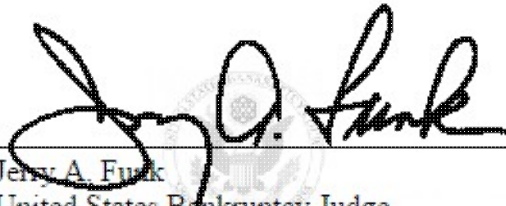


[Dodefmap] [Adversary Order Abating Motion for Deficiencies]

ORDERED.

Dated: April 26, 2017



Jerry A. Funk
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION
www.flmb.uscourts.gov

In re: Case No. 3:15-bk-02248-JAF
Climate Control Mechanical Services, Inc. Chapter 11
Base 3, LLC, The Alexander Group, LLC and
Facility Performance, LLC

Debtor* /

Skanska USA Building, Inc.

Plaintiff*

Adv. Pro. No. 3:16-ap-00100-JAF

vs.

Climate Control Mechanical Services, Inc.

Defendant* /

**ORDER ABATING MOTION TO DISMISS COUNT V OF COUNTERCLAIM/CROSSCLAIM WITH
PREJUDICE**

THIS CASE came on for consideration, without a hearing, of the Motion (the "Motion ") (Doc. No. 34) filed by Sureties, Zurich American Insurance Company, Fidelity and Deposit Company of Maryland, Liberty Mutual Insurance Company, Federal Insurance Company and Continental Insurance Company . After review, the Court determines that the Motion is deficient as follows:

☐ The Motion does not include an original or electronic signature of the movant's attorney as required by Fed. R. Bankr. P. 9011.

☐ The Motion does not include a signed and dated proof of service as required by Local Rule 9013-1.

☐ The prescribed filing fee of \$ Enter Fee Amount , as required by the Bankruptcy Court's Miscellaneous Fee Schedule issued in accordance with 28 U.S.C. § 1930 was not paid.

☐ The Motion does not include negative notice as required by Local Rule 7001-1(j).

☒ The negative notice legend is not fully displayed on the first page as prescribed by Local Rule 2002-1 or the language used in the negative notice legend does not conform to the approved negative notice legend language as provided in Local Rule 2002-4.

☐ The Motion for Clerk's Entry of Default does not include all the statements required by Local Rule 7055–2(a).

☐ The Motion for Clerk's Entry of Default does not include a sworn statement in support of the allegations as required by Local Rule 7055–2.

Accordingly, it is

ORDERED:

Consideration of the Motion to Dismiss Count V of Counterclaim/Crossclaim with Prejudice is abated until the deficiency is corrected.

The Clerk's office is directed to serve a copy of this order on interested parties.

*All references to "Debtor" shall include and refer to both of the debtors in a case filed jointly by two individuals.

*All references to "Plaintiff" or "Defendant" shall include and refer to multiple plaintiffs or defendants.